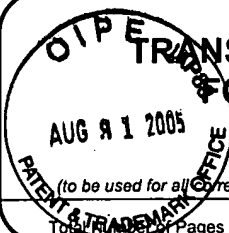
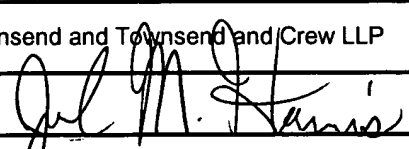
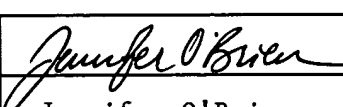


IFW

	Application Number	10/773,608
	Filing Date	February 6, 2004
	First Named Inventor	FISHER, MICHAEL G.
	Art Unit	3732
	Examiner Name	Unassigned
	Attorney Docket Number	021976-000200US
Total Number of Pages in This Submission		

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input checked="" type="checkbox"/> Information Disclosure Statement  <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Return Postcard PTO/SB/08A & PTO/SB/08B 11 Reference Copies
Remarks: The Commissioner is authorized to charge any additional fees to Deposit Account 20-1430.		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm Name	Townsend and Townsend and Crew LLP		
Signature			
Printed name	Joel M. Harris		
Date	Aug 26, 2005	Reg. No.	44,743

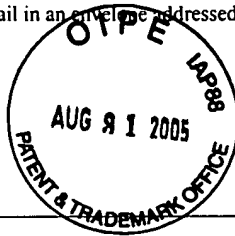
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Typed or printed name	Jennifer O'Brien	Date 8-29-05

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On 8-29-2005



TOWNSEND and TOWNSEND and CREW LLP

By: Jennifer O'Brien

Jennifer O'Brien

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of:

FISHER et al.

Application No.: 10/773,608

Filed: February 6, 2004

For: DYNAMIC KNEE BALANCER

Examiner: Unassigned

Art Unit: 3732

INFORMATION DISCLOSURE  
STATEMENT UNDER 37 CFR §1.97 and  
§1.98

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

The references cited on attached form PTO/SB/08A and PTO/SB/08B are being called to the attention of the Examiner. Copies of the references [in compliance with the requirements of 1287 OG 163] are enclosed. It is respectfully requested that the cited references be expressly considered during the prosecution of this application, and the references be made of record therein and appear among the "references cited" on any patent to issue therefrom.

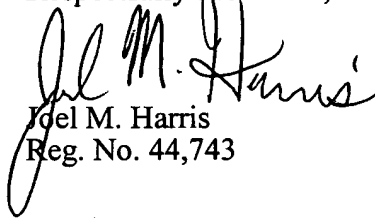
As provided for by 37 CFR 1.97(g) and (h), no inference should be made that the information and references cited are prior art merely because they are in this statement and no

representation is being made that a search has been conducted or that this statement encompasses all the possible relevant information.

Applicant believes that no fee is required for submission of this statement.

However, if a fee is required, the Commissioner is authorized to deduct such fee from the undersigned's Deposit Account No. 20-1430. Please deduct any additional fees from, or credit any overpayment to, the above-noted Deposit Account.

Respectfully submitted,

  
Joel M. Harris  
Reg. No. 44,743

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JMH:tfw  
60573394 v1



<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  (use as many sheets as necessary)		<b>Complete if Known</b>			
		Application Number	10/773,608		
		Filing Date	February 6, 2004		
		First Named Inventor	FISHER, MICHAEL G.		
		Art Unit	3732		
		Examiner Name	Unassigned		
Sheet	1	of	2	Attorney Docket Number	021976-000200US

U.S. PATENT DOCUMENTS+					
Examiner Initials*	Cite No. <sup>1</sup>	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number Kind Code <sup>2</sup> ( <i>if known</i> )			
	1	4,220,146	09-02-1980	Cloutier	
	2	4,501,266	02-26-1985	McDaniel	
	3	4,524,766	06-25-1985	Petersen	
	4	4,567,886	02-04-1986	Petersen	
	5	5,540,696	07-30-1996	Booth, Jr. et al.	
	6	5,470,354	11-28-1995	Hershberger	
	7	5,597,379	01-28-1997	Haines et al.	
	8	5,630,820	05-20-1997	Todd	
	9	5,649,929	07-22-1997	Callaway	
	10	5,656,785	08-12-1997	Trainor	
	11	5,688,282	11-18-1997	Baron et al.	
	12	5,733,292	03-31-1998	Gustilo et al.	
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	14	5,800,438	09-01-1998	Tuke et al.	
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	17	5,911,723	06-15-1999	Ashby et al.	
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	21	6,575,980	06-10-2003	Robie et al.	
	22	6,632,225	10-14-2003	Sanford et al.	
	23	6,648,896	11-18-2003	Overes et al.	
	24	2003/0130665	07-10-2003	Pinczewski et al.	
	25	2003/0187452	10-02-2003	Smith et al.	
	26	2004/0019382	01-29-2004	Amirouche	

FOREIGN PATENT DOCUMENTS								
Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document			Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T <sup>6</sup>
		Country Code <sup>3</sup>	Number <sup>4</sup>	Kind Code <sup>5</sup> (if known)				
								<input type="checkbox"/>
								<input type="checkbox"/>

Examiner Signature		Date Considered	
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\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. <sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> Kind Codes of U.S. Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.  
60573394 v1

Substitute for form 1449B/PTO  <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  (use as many sheets as necessary)			<b>Complete if Known</b>		
			Application Number	10/773,608	
			Filing Date	February 6, 2004	
			First Named Inventor	FISHER, MICHAEL G.	
			Art Unit	3732	
			Examiner Name	Unassigned	
Sheet	2	of	2	Attorney Docket Number	021976-000200US

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials *	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>2</sup>
	27	DELIO, "Hoping for a Knee-Jerk Reaction" Wired News. 2004. [retrieved on 08-22-2005]. Retrieved from the Internet on <URL: <a href="http://wiredvig.wired.com/news/medtech/0,1286,62716,00.html?tw=newsletter_to">http://wiredvig.wired.com/news/medtech/0,1286,62716,00.html?tw=newsletter_to</a> >	
	28	ECKHOFF et al., "Three-Dimensional Morphology and Kinematics of the Distal Part of the Femur Viewed in Virtual Reality", <i>Jnl. Bone &amp; Jt. Surg.</i> , Vol. 85-A Supplement 4, 2003, 97-104.	
	29	HOWE et al., "Robotics for Surgery," <i>Annu. Rev. Biomed. Eng.</i> 1999, 01:211-240.	
	30	MIHALKO et al., "Comparison of Ligament-Balancing Techniques During Total Knee Arthroplasty," <i>Jnl. Bone &amp; Jt. Surg.</i> , Vol. 85-A Supplement 4, 2003, 132-135.	
	31	PALMER et al., "Total Knee Arthroplasty"[online],[retrieved on 12-11-2003]. Retrieved on from the Internet <URL: <a href="http://www.emedicine.com/orthoped/topic347.htm">http://www.emedicine.com/orthoped/topic347.htm</a> > (18 pages total).	
	32	RAPP, "Electronic Knee Implant May Benefit Future TKR Patients" <i>Orthopedics Today</i> , Vol. 25, No 3; (March 2005), p 14-15.	
	33	RIES et al., "Soft-Tissue Balance in Revision Total Knee Arthroplasty," <i>Jnl. Bone &amp; Jt. Surg.</i> , Vol. 85-A Supplement 4, 2003, 38-42.	
	34	RIES et al., "Soft-Tissue Balance in Revision Total Knee Arthroplasty," <i>Jnl. Bone &amp; Jt. Surg.</i> , Vol. 86-A Supplement 1, 2003, 82-86.	
	35	The Gray Sheet, "Knee Implant Surgery Techniques Can Obscure Tech Advances - NIH Panel", FDC Reports <i>"The Gray Sheet"</i> , December 15, 2003, p. 11.	
	36	The Gray Sheet, "Knee Implant Wear Debris, Changing Demographics Weighed by NIH Panel", FDC Reports <i>"The Gray Sheet"</i> , December 1, 2003, p. 10.	
	37	The Gray Sheet, "NIH Consensus: More Knee Replacements Among Young, Old to Grow Market", FDC Reports <i>"The Gray Sheet"</i> , December 15, 2003, p. 12.	

Examiner Signature		Date Considered	
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<sup>1</sup> EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>2</sup> Applicant's unique citation designation number (optional). <sup>2</sup> Applicant is to place a check mark here if English language Translation is attached.